REMARKS

The present application includes pending claims 1-31, all of which have been rejected.

Claim 8 was amended to correct a minor drafting error, and claims 24 and 31 were also amended

Claims 1-31 stand rejected under 35 U.S.C. 103(a) as being unpatentable over United

States Patent No. 7,065,778 ("Lu") in view of United States Patent No. 6,601,087 ("Zhu"). The

Applicants respectfully traverse these rejections for at least the reasons previously discussed

during prosecution and the following:

I.   **The Proposed Combination Of Lu And Zhu Does Not Render Claims 1-31 Unpatentable**

In order for a *prima facie* case of obviousness to be established, the Manual of Patent

Examining Procedure (MPEP) states the following:

> First, there must be some suggestion or motivation, either in the
> references themselves or in the knowledge generally available to one
> of ordinary skill in the art, to modify the reference or combine the
> teachings.   Second, there must be a reasonable expectation of
> success. Finally, the prior art reference (or references when
> combined) must teach or suggest all the claim limitations.   The
> teaching or suggestion to make the claimed combination and the
> reasonable expectation of success must both be found in the prior art.

See MPEP § 2142.   Additionally, if a *prima facie* case of obviousness is not established, the

Applicants are under no obligation to submit evidence of nonobviousness.

> The examiner bears the initial burden of factually supporting any
> *prima facie* conclusion of obviousness. If the examiner does not
> produce a *prima facie* case, the applicant is under no obligation to
> submit evidence of nonobviousness.

Id.

Lu "relates to the field of television programming distribution." *See* Lu at column 1, lines 7-8. Specifically, Lu "relates to the field of utilizing personalized video recorders and other similar types of devices to distribute television programming." *See id.* at column 1, lines 8-11.

On the other hand, Zhu "relates generally to data conferencing, and more particularly to instant document sharing in a data conference." Zhu at column 1, lines 10-12.

A. Lu Does Not Teach Or Suggest Receiving A Request Identifying One Of The Network Protocol Addresses And Responding By Identifying The Other

Claim 1 recites, in part, "server software that **maintains a user defined association of the first and second network protocol addresses** and that receives a request identifying one of the associated first and second network protocol addresses and responds by identifying the other of the associated first and second network protocol addresses to support delivery...." Claim 8 recites, in part, "server software that **maintains a user defined association of the first and second network protocol addresses** and that receives a request identifying the associated first network protocol address and responds by identifying the associated second and third network protocol addresses to support delivery...."

Lu "relates to the field of utilizing personalized video recorders and other similar types of devices to distribute television programming." *See* Lu at column 1, lines 7-11. In particular, Lu discloses a system in which a user is able to record a show that is transmitted in another broadcast area. *See id.* at Abstract.

For example, Lu describes the following:

> Specifically, personalized video recorder 200 is coupled to the Internet 302 such that it can receive an electronic programming guide (EPG) containing worldwide television programming from an EPG server computer 304. The user of personalized video

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recorder 200 utilizes the EPG to request delivery of a specific television show that may not be available to him or her. Upon reception of the request from personalized video recorder 200, EPG server computer 304 locates via Internet 302 one or more personalized video recorders... situated within a broadcast region of the requested television show. Subsequently, EPG server computer 304 programs one or more personalized video recorders... to record the requested television show when it is broadcast by a television content provider.... Once the personalized video recorders... record the television show, one or more of the personalized video recorders may transmit it to EPG server computer 304 which then transmits it to the requested personalized video recorder 200. In this manner, the present embodiment enables personalized video recorder 200 to order and receive specific television shows that are unavailable from its television content provider....

Lu at column 6, lines 39-61. Thus, Lu discloses a system in which a user sends a recording request that is received by a server computer via the Internet. The server computer then arbitrarily locates a recorder within the broadcast region of the show, and then sends the recorded show back to the requesting user.

Lu does not describe, teach, or suggest, however, "server software that **maintains a user defined association of the first and second network protocol addresses** and that receives a request** identifying one of the associated first and second network protocol addresses and responds by identifying the other of the associated first and second network protocol addresses** to support delivery," as recited in claim 1, or "server software that **maintains a user defined association of the first and second network protocol and addresses** and that receives a request** identifying the associated first network protocol address and **responds by identifying the associated second and third network protocol addresses** to support delivery," as recited in claim 8. Instead, Lu merely discloses that a user of a PVR requests delivery of a specific television show, at which point a server computer arbitrarily locates another PVR, which is not

associated with the requesting PVR in any way, in a particular broadcast area to record the show for the requesting PVR.

The Office Action cites Lu at column 6, lines 54-58 as disclosing "server software that maintains a user defined association of the first and second network addresses." *See* August 29, 2007 Office Action at page 5. This portion of Lu states, however, the following:

> Once the personalized video recorders (e.g., 200A and 200B) record the television show, one or more of the personalized video recorders may transmit it to EPG server computer 304 which then transmits it to the requesting personalized video recorder 200.

Lu at column 6, lines 54-58. This portion of Lu merely indicates that a recorder requests a show, and then the EPG arbitrarily finds another recorder in a broadcast area to record the show for the requesting recorder. This portion of Lu does not indicate that a user defines an association between first and second network addresses, or that a server **maintains** that **user defined association.** In general, there is nothing in this cited portion, nor the remainder, of Lu that describes, teaches or suggests "server software that **maintains a user defined association of the first and second network protocol addresses,**" as recited in claim 1, or "server software that **maintains a user defined association of the first and second network protocol addresses,**" as recited in claim 8. Thus, for at least these reasons, the Office Action has not established a *prima facie* case of anticipation with respect to claims 1-15. Indeed, these claims are allowable over the cited art.

In response to the Applicants, the Office Action contends the following:

> Applicant argues that Lu does not describe, teach or suggest "server software that maintains a user defined association of the first and second network address...". In response to applicant's argument, in **Col 6, lines 54-58 of Lu**, PVR 200A is used to record desired TV shows requested by user from PVR 200, and once PVR

> 200A record the TV show, PVR 200A transmits the TV show to the EGP server 304, which then transmits the TV show to the requested PVR 200; the association of PVR 200 and PVR 200A is made when PVR 200A is identified to record the user desired programs, and the server must maintain the association of the network address of PVR 200 and 200A for media transfer.

August 29, 2007 Office Action at page 3 (emphasis added). As detailed above, however, the portion of Lu relied on by the Office Action does not describe, teach or suggest "server software that **maintains a <u>user defined</u> association of the first and second network protocol addresses**," as recited in claim 1, or "server software that **maintains a <u>user defined</u> association of the first and second protocol addresses**," as recited in claim 8. Again, Lu merely describes a system in which an out of area recorder requests a recording, at which point the EPG **arbitrarily** finds a recorder within that broadcast are to record the show for the requestor. Even if one assumes there is an "association" between the two recorders, such association is arbitrarily determined by the EPG, but is clearly not "user defined." Thus, for at least these reasons, the Applicants respectfully request reconsideration of the claim rejections.

The Office Action also cites Lu at column 10, lines 10-15 as disclosing a "request that identifies one of the associated first and second network protocol addresses." *See* August 29, 2007 Office Action at page 5, May 29, 2007 Office Action at pages 4-5 and December 27, 2006 Office Action at page 4. This portion of Lu states, however, the following:

> Furthermore, the programming instructions of step 512 may also include an Internet Protocol (IP) address of a device (e.g., personalized video recorder 200) that the personalized vide recorder (e.g., 200A or 200B) should transmit the requested television show to once it has been recorded.

Lu at column 10, lines 10-15. This portion of Lu merely indicates the IP address of the location in which the recorded show will be sent. This passage of Lu does not, however, teach or suggest

"server software that **maintains a <u>user defined</u> association of the first and second network protocol addresses** and that receives **a request** identifying one of the associated first and second network protocol addresses and **responds by identifying the other of the associated first and second network protocol addresses** to support delivery," as recited in claim 1, for example.

Additionally, the Office Action cites Lu at column 6, lines 45-50 as disclosing "respond[ing to a request that identifies one of the associated first and second protocol addresses] by identifying the other of the associated first and second network addresses" *See* August 29, 2007 Office Action at page 5, May 29, 2007 Office Action at page 5 and December 27, 2006 Office Action at page 5. This portion of Lu states, however, the following:

> Upon reception of the request from personalized video recorder 200, EPG server computer **locates** via Internet 302 one or more personalized video recorders (e.g., 200A and/or 200B) situated within a broadcast region of the requested television show.

See Lu at column 6, lines 45-50. The "request" mentioned in this passage is a "request [for] delivery of a specific television show that may not be available to him or her." *See id.* at column 6, lines 43-45. In response to the request for delivery, Lu discloses that the EPG server "locates one or more personalized video recorders situated within a broadcast region of the requested television show." Arbitrary location of a recorder within a particular broadcast region in response to a request for delivery of a particular television show is not a response to a request that identifies one of the associated first and second network addresses that "identif[ies] the other of the associated first and second network addresses to support delivery," as recited in claim 1, for example.

The Office Action responds to the Applicants by citing Lu at column 6, lines 43-50 and column 10, lines 10-12. *See* August 29, 2007 Office Action at page 2.

As discussed at length above, Lu simply does not describe, teach, or suggest, however, "server software that **maintains a <u>user defined</u> association of the first and second network protocol addresses** and that receives **a request** identifying one of the associated first and second network protocol addresses and **responds by identifying the other of the associated first and second network protocol addresses** to support delivery," as recited in claim 1, or "server software that **maintains a <u>user defined</u> association of the first and second network protocol and addresses** and that receives **a request** identifying the associated first network protocol address and **responds by identifying the associated second and third network protocol addresses** to support delivery," as recited in claim 8. As shown below, however, there is nothing in the cited portions of Lu that describes, teaches or suggests the relevant claim limitations.

First, Lu at column 6, lines 43-50 states the following:

> The user of personalized video recorder 200 utilizes the EPG to **request delivery of a specific television show that may not be available to him or her.** Upon reception of the request from personalized video record 200, EPG server computer 304 **locates via Internet 302 one or more personalized video recorders** (e.g., 200A and/or 200B) situated within a broadcast region of the requested television show.

See Lu at column 6, lines 43-50 (emphasis added). Thus, in Lu, a user "requests delivery of a specific television show that may not be available to him or her." In response to that request for an "unavailable television show," the EPG server **arbitrarily locates a video recorder in a broadcast region of that television show.**

Claim 1 recites, however, "server software that **maintains a <u>user defined</u> association of the first and second network protocol addresses** and that receives **a request** identifying one of the associated first and second network protocol addresses and **responds by identifying the**

other of the associated first and second network protocol addresses to support delivery," while claim 8 recites "server software that **maintains a <u>user defined</u> association of the first and second network protocol and addresses** and that receives **a request** identifying the associated first network protocol address and **responds by identifying the associated second and third network protocol addresses** to support delivery." Neither the portions of Lu cited in the Office Action, nor the remainder of Lu, describe, teach or suggest such limitations. An EPG server arbitrarily finding a video recorder in a broadcast area of a television show in response to a request for delivery of that show is not an EPG server that "responds by identifying the other of the associated first and second network addresses to support delivery," as recited in claim 1, for example.

Next, Lu at column 10, lines 10-12 recites the following:

> Furthermore, the programming instructions of step 512 may also include an Internet Protocol (IP) address of a device (e.g., personalized video recorder 200) that the personalized video recorder (e.g., 200A or 200B) should transmit the requested television show to once it has been recorded.

This portion of Lu merely discloses that a recorded television show is transmitted to an IP address once it is recorded. Again, however, there is nothing in this portion of Lu that describes, teaches or suggests "server software that **maintains a <u>user defined</u> association of the first and second network protocol addresses** and that receives **a request** identifying one of the associated first and second network protocol addresses and **responds by identifying the other of the associated first and second network protocol addresses** to support delivery," as recited in claim 1, or "server software that **maintains a <u>user defined</u> association of the first and second network protocol and addresses** and that receives **a request** identifying the associated

first network protocol address and **responds by identifying the associated second and third network protocol addresses** to support delivery," as recited in claim 8.

The Applicants respectfully submit that Lu does not describe, teach or suggest the limitations of claims 1 and 8 noted above. Thus, for at least these reasons, Lu does not anticipate claims 1-15.

B.   The Office Action Does Not Demonstrate How Zhu Overcomes The Deficiencies Of Lu

The Office Action acknowledges that Lu does not teach "simultaneous consumption by the first and second displays under control of a user at the first home," as recited in claim 1, for example. *See* August 29, 2007 Office Action at page 6, May 29, 2007 Office Action at page 5 and December 27, 2006 Office Action at page 5. The Office Action also acknowledges that Lu "does not teach a third television display at a third home, and having an associated third network protocol address, and concurrent consumption from the first storage to the second and third displays under control of a user at the first home," as recited in claim 8. *See* August 29, 2007 Office Action at page 9, May 29, 2007 Office Action at page 8 and December 27, 2006 Office Action at page 8. Additionally, the Office Action acknowledges that "Lu does not teach simultaneous consumption by the first and second displays under control of a user at the first home," as recited in claim 16. *See* August 29, 2007 Office Action at page 13, May 29, 2007 Office Action at page 12 and December 27, 2006 Office Action page 11.

In order to overcome these deficiencies, the Office Action cites Zhu, which, as noted above, relates to "data conferencing." *See* August 29, 2007 Office Action at pages 6, 10 and 13, May 29, 2007 Office Action at pages 5, 8 and 12 and December 27, 2006 Office Action at pages

5, 8, and 11. Specifically, the Office Action cites to Zhu at column 6, lines 43-56 and column

12, lines 9-13. *See id.* at page 3. First, Zhu states the following:

> A user of document sharing application 210A selects a file editing
> application to view in step 902. In response, the file editing
> application is invoked, generating an application screen 802, as
> shown in step 904. Document sharing application 210A causes
> application screen 802 to be sent to virtual display driver 504,
> thereby generating a shared screen 508 as shown in step 906. The
> shared screen is passed back to document sharing application
> 210A, which sends the shared screen to server 102 in step 908.
> Server 102 distributes the shared screen to the other clients in the
> data conference in step 910. In step 912, the other clients in the
> data conference, such as the client running document sharing
> application 210B, display the shared screen using viewer
> application 308.

Zhu at column 6, lines 43-56.

As shown above, there is nothing in this passage of Zhu that teaches or suggests

"simultaneous consumption by the first and second television displays **under control of a user**

at the first home," as recited, for example, in claim 1 of the present application. Instead, this

portion of Zhu merely discloses shared document viewing in which one of the clients is running

the application, but not controlling consumption from a first home.

Next, Zhu states the following:

> a second viewer application configured to display the shared
> screen on a second display device attached to the local computer,
> the shared screen being simultaneously displayed on the first
> display device and the second display device during the live data
> conference.

Id. at column 12, lines 8-13. Again, however, this portion of Zhu merely indicates that a shared

screen is displayed on first and second display devices during a live data conference. It does not

describe, teach or suggest "simultaneous consumption by the first and second television displays

under control of a user at the first home," as recited, for example, in claim 1 of the present application.

The Office Action asserts that Zhu's use of the word "invoked" shows control by a user at a first home. *See* August 29, 2007 Office Action at page 6 and May 29, 2007 Office Action at page 5 and December 27, 2006 Office Action at page 5 ("Zhu teaches simultaneous consumption... under control of a user at the first home (Col 6 lines 43-56, user invokes shared screen to be displayed on other clients)"). However, Zhu's use of the word "invoked," as shown above, merely means that the file application is initiated after it is selected. Indeed, Zhu also states that the "present invention is usually invoked after a data conference has been established." *See* Zhu at column 3, lines 38-39. **Zhu's use of the word "invoked" merely means that something is initiated, not that it is "under control of a user at the first home."** Thus, for at least these reasons, the Office Action has not established a prima facie case of obviousness with respect to claims 1-7.

The Office Action responds to the Applicants as follows:

> [The Applicants argue that] Lu and Zhu does not teach simultaneous/concurrent consumption by the first and second television display under control of a user at the first home.... In response to applicant's argument, Zhu teaches simultaneous consumption by the first and second displays (Col 6 lines 43-56, Col 12, lines 8-13 shared screen being simultaneously displayed on the first display device and second display device) under control of a user at the first home (Col 6 lines 43-56, application is invoked to display shared screen on the other clients by the user). The Examiner alleged "invoking an application to display shared screen on the other client" at PVR 200A corresponds to "under control of a user at the first home".

August 29, 2007 Office Action at page 3 (emphasis added).

As shown above, the Office Action merely reiterates the reasoning and citations that the Applicants previously addressed. As such, the Applicants respectfully submit that the Office Action has failed to establish a *prima facie* case of obviousness with respect to the pending claims for at least the reasons discussed above. Additionally, the Office Action continues to maintain that "invoking" (i.e., initiating) "an application to display shared screen on other client" is the same as "under control of a user at the first home." As discussed above, however, this broad conclusory statement is wholly unsupported by the particular cited portions of Zhu, in particular, and by the proposed combination of Lu and Zhu, in general.

Claim 8 recites, in part, "concurrent consumption under control of a user at the first home," while claims 16 recites, in part, "the first and second television displays under control of a user at the first home." For at least the reasons discussed above, the Office Action has not established a *prima facie* case of obviousness with respect to claims 8-23.

II. Claims 24-31

Claims 24-31 should be in condition for allowance for at least the reasons discussed above with respect to section I.B.

III. Conclusion

In general, the Office Action makes various statements regarding claims 1-31 and the cited references that are now moot in light of the above. Thus, the Applicants will not address such statements at the present time. However, the Applicants expressly reserve the right to challenge such statements in the future should the need arise (e.g., if such statement should become relevant by appearing in an Examiner's Answer to an Appeal Brief).

The Applicants respectfully submit that the Office Action has not established a *prima facie* case of obviousness with respect to any of the pending claims for at least the reasons discussed above and request that the outstanding rejections be reconsidered and withdrawn. If the Examiner has any questions or the Applicants can be of any assistance, the Examiner is invited to contact the undersigned attorney.

The Commissioner is authorized to charge any necessary fees, or credit any overpayment to the Deposit Account of McAndrews, Held & Malloy, Account No. 13-0017.

Respectfully submitted,

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